

*Next Meeting – May 21, 2007 – 1:30 PM  
DE Public Archives, Dover*

**STATE COUNCIL FOR PERSONS WITH DISABILITIES  
FULL COUNCIL MEETING MINUTES**

April 16, 2007 – 1:30 PM  
Appoquinimink State Service Center  
Middletown, Delaware

**MEMBERS PRESENT**

Daniese McMullin-Powell, Chair; Sandy Tuttle, Easter Seals; Ray Brouillette, Easter Seals; Regina Byers, GCAAPD; John Goodier, BIC; Brian Hartman, DLP/DDC; Tony Hortsman, Parent; Christine Long, DDDS/DHSS; Pat Maichle, DDC; Rita Marocco, NAMI-DE; Carolanne O'Brien, DOL/DVR; Marc Richman, CMH/DSCYF; Loretta Sarro, DODHH&CODHHE; Liz Schantz, Consumer; Wendy Strauss, GACEC; Jamie Wolfe, Consumer; Kyle Hodges, Staff and Linda Bates, Support Staff

**MEMBERS ABSENT**

GCEPD; CSAMH; Rita Landgraf, Vice Chair; Cookie Austin, Parent; Brian Bard, Consumer; Norwood Coleman, Sr., Consumer; Adam Fisher, DOE; Lisa Furber, State Rehabilitation Council; Bonnie Hitch, DTC; Janet Leitch, Consumer; Lora Lewis, DPH/CSHCN; Dan Muterspaw, AAB; Bob Osgood, Past Chair; Ann Phillips, Parent.

**GUESTS**

Marianne Smith, DDDS Director  
Ray Lafontaine, DDDS Deputy Director

**INTERPRETER**

Lois Steele

**CALL TO ORDER**

Daniese McMullin-Powell called the meeting to order at 1:40 pm.

**ADDITIONS TO THE AGENDA**

There were no additions or deletions to the agenda.

**APPROVAL OF MINUTES**

Carolanne O'Brien noted that on page 3 under the Navigator Program, the second bullet, that the Navigator Program is complimentary to the Benefit Specialist who works with people with State benefits only. Also on page four, last bullet, first sentence should read the "DOL stops" not "Mobile 1 stops".

On page 6, third paragraph, add that DART is monitoring the construction in the Lewes/Rehoboth area.

Motion was made, seconded and approved to accept the March 19, 2007 meeting minutes as amended.

### **DDDS Plan for People with Sexually Inappropriate Behavior—Ms. Marianne Smith**

Marianne Smith provided an overview of this plan.

The group home at the Governor Bacon Center in Delaware City has been underway for several years. DDDS was able to have this introduced as a budget item and it went through the Governor's recommended budget and was approved by the JFC for \$400,000 with matching funds available.

The chosen five individuals do have developmental disabilities and have displayed inappropriate sexual behaviors. They are cognitively functioning from moderate to severe behavior and are now spread throughout the State. Currently, the Governor Bacon's cottages are being occupied by individuals with alcohol and substance abuse problems.

For purposes of programming and services, there are contractors in Pennsylvania and Southern New Jersey that have expertise in treating individuals with sexually inappropriate behavior. The Governor Bacon Center was chosen because it is closer to these experts in PA and Southern NJ and it is also on State property.

Resources for Human Development (RHD) is the agency that was given the award; and is the current provider that serves people through DSAMH and DDDS in Delaware.

The Delaware State News did an article on this group home in October or November. The home will have 24/7 high supervision in addition to other security. The outside area for activities will be fully enclosed with a fence. DDDS has been working with George Braddock from the state of Oregon to make this area look like a recreational facility.

The RDH agency has asked that the individuals be housed there for a while until they can review their skills. The agency will create work opportunities. Marianne has had conversations with Goodwill who had indicated an interest in hiring these individuals.

All individuals will be over 21 through the early 40s with a moderate to severe IQ; and they are not registered sex offenders. Some of these individuals do not know that it is

wrong to touch someone inappropriately. If this behavior is displayed in public, they will get in trouble and they are not competent to stand trial and go through the court process.

Brian asked what the physical condition is of the cottage. Marianne replied that the cottage is being refurbished and being made accessible and DDDS is working with George Braddock to do some internal renovations to make it as much like a home as possible.

Brian asked if this is a transitional home or is it a home that the individuals will live in forever or could they eventually move into a less restrictive setting. Marianne said that they have spoken to agencies that it may be possible for some individuals to move on. The goal is to transition consistent with the agency criteria. Rita asked if there any studies that say these individuals could transition out to a less restrictive setting. Marianne replied that she did not know that today.

Pat Maichle has a concern about the location. About one and a half years ago, when DDDS presented this issue to the JFC, the location was proposed for Sussex County, in a “real” home with the intensity of the support that they need, and they would only be individuals from the DDDS program. Since then, the cottage location is now on the Governor Bacon Center property. Pat fully supports a program to treat these individuals, but feels that the program’s location is not desirable and that this environment of walls around them is just like putting them in their own little prison. Marianne restated that the Governor Bacon Center was chosen because it is closer to these experts in PA and Southern NJ and it is also on State property. Marianne said that to open this type of house in a neighborhood would cause a lot of problems.

Rita quoted from the RFP and is questioning if the residents will be registered sex offenders. The RFP states that the criteria for selection of individuals to the program include: a history of sexually offending behavior and a risk of relapse or re-offending. Marianne stated that they are no registered adjudicated sex offenders in this program, all residents will be from Delaware and the final selection has not been conducted. In addition, Marianne said that they are not trying to circumvent Fair Housing. Kyle asked if there would be any regulations for this home. Marianne stated that it is licensed as a group home. Over 20 DDDS individuals are identified as this population. A lot of these individuals are living with Mom and Dad and there is a concern that because of the lack of supervision and their IQ, the individuals could get in trouble. Some individuals are in the foster care system, group homes, living with Mom and Dad and some had no other choice but to be at the Delaware Psychiatric Center even though the individuals are truly developmentally disabled and not mentally ill. Rita stated that in the scope of work section of the RFP, the criteria are very clear that these individuals will have a history of sexually offensive behavior and at risk of relapse. Chris stated that registered sex offenders can live just about anywhere with some restrictions. Brian questioned putting five people with limited cognitive disabilities together with a variety of inappropriate sexual behavior. This may be enabling them to learn more about inappropriate sexual behaviors. A different model would be to let them live in other group homes and have them go to day programs for addressing inappropriate sexual behaviors. Brian asked if

DDDS is working with DSAMH on identifying individuals. Marianne replied that this is a DDDS project, but they have been working with DSAMH to move some individuals out of the Delaware Psychiatric Center to a more appropriate setting. Kyle asked who is on the committee to choose these individuals. Marianne replied that it will be the DDDS staff. Kyle asked if the DDDS or DSAMH advisory councils had been involved with this process. Marianne replied “no”.

Marianne said that she is concerned about the Fair Housing information and she hopes that we are all working for people with disabilities and we should be supporting one another in our efforts to make it better. And, this is a pilot program. Marianne reiterated that this Delaware City location was chosen because of being close to services and it is more cost effective.

### **DDDS Eligibility Criteria**

A draft of the DDDS Services Eligibility Criteria was provided. Roy Lafontaine announced that they are moving forward with the revisions for eligibility criteria. A week ago this was sent to the SCPD, DD Council, CLASI and a couple of other agencies prior to going through the regulatory process. DDDS invited this group to meet on April 26 from 10-12 to discuss any changes before it is submitted for the administrative process for public comment. Marianne stated that Asperger’s Syndrome has been added.

### **Personal Attendant Services Advisory Council**

Kyle provided the following overview. Under the Delaware Code, SCPD is the advisory committee for the personal attendant program. Easter Seals and DSAAPD have always done a good job of providing updates activities with the program and associated financial issues. For example, there was a situation last year where clients’ attendant service hours were cut without a lot of notice and while Council was provided an update, it did not have an opportunity to provide input prior to any final decision. Kyle said that he receives phone calls regarding this program and is asking how the SCPD can be more proactive on hearing about situations prior to anything decision making or any policies being written by DSAAPD or Easter Seals. Ray suggested having some communication from the division on a routine basis even if it is a report. This may prevent “an after the fact” situation. Kyle suggested that Council receive any proposed changes from DSAAPD prior to implementation.

Sandy suggested setting up a meeting with the new DSAAPD administration. Sandy also suggested this be a standard agenda item. Kyle said that this could be a standing committee report. Ray suggested having Dan Chappell as a liaison person. Kyle asked if there is a policy manual(s). Ray said that the policies and procedures are in the contract manual. Barbara Durham can give us a copy of the DSAAPD program manuals. Ray said that there are two program manuals—one is for participants and one is for attendants—Tom Barlow from Easter Seal can give us copies. Kyle said that DSAAPD has been giving the SCPD annual reports. Brian commented that it is logical to him that the annual report includes the Advisory Council’s perspectives. Kyle said that once we

start this process, we could ask that they incorporate that into the Annual Report. Ray said that Easter Seals can put a note in their program manual that the SCPD is the advisory committee for attendant services issues.

To summarize--when the SCPD talks to the administration of DSAAPD, we will explore the options of reporting to the SCPD more often, being part of DSAAPD's annual report, obtain copies of policy manuals, and requesting that proposed policy changes should be provided to SCPD for input prior to implementation.

### **Change in DSAAPD Legislation**

Kyle announced that for those who do not know, Guy Perrotti is the new Division Director and Zel Cannon is the new Deputy Director. Kyle invited Guy to attend our next meeting in May to discuss any issues related to DSAAPD. Brian suggested sending Guy any relevant issues, i.e attendant services, MFP, update on the DSAAPD budget, etc. ahead of time so he can be briefed for discussion at the May meeting.

### **Break**

After the break, Daniese asked if the SCPD wants to formally take a position on the plan for the DDDS sexually inappropriate behavior group home at the Governor Bacon Center. Kyle believed the earlier discussion indicated that SCPD endorses the concept of treatment for people with sexually inappropriate behavior, but was uncomfortable with the placement at Governor Bacon and thought that the target population may benefit from interaction with other individuals who do not demonstrate similar behaviors.

Tony stated that the DDDS Council has sent a letter to the Governor taking a strong position supporting the DDDS recommendation. Tony made a motion that the SCPD not take any action. Regina feels that we need to put in writing the SCPD concerns. Carolanne noted that starting a group home in an isolated rural area where the individuals are not going to get off the grounds and where they are going to work, live and play in the same small environment does not sound healthy. Sandy encouraged an effective working relationship with DDDS and feels that SCPD should go on record stating our position and how Council may want to move forward. Jamie commented that the \$800,000 from state and federal money could be used for a more community inclusive way to support these individuals.

Brian suggested an alternative motion which is that SCPD strongly support the expansion of options for DDDS clients with sexually inappropriate behavior with the caveat that our strong preference is that the pilot be implemented in a non-institutional setting with ample opportunity for modeling appropriate peers. Brian noted the political opposition to this group home and there is a risk of losing the group home all together. If that happens there may no funding included in the budget. If the money is in the budget, they can re-locate the group home at some point.

Tony issued a motion “that we do nothing as this is a dead issue.” Three in favor; 11 opposed and Kyle did not vote.

Brian moves that the Council issue a letter strongly supporting the expansion of options for DDDS clients with sexually inappropriate behavior with the caveat that our preference be that the pilot be implemented in a non-institutional setting with ample opportunity for modeling appropriate peers. Motion was made, seconded and approved for Kyle to write this letter to Marianne Smith at DDDS. 12 in favor; Chris Long and DSCYF abstained. Kyle did not vote.

### **MBI Legislation**

Kyle gave the following overview. At present, the Medicaid Buy-In is tied to the cigarette tax bill (HB 49) and passage of the bill appears slim.

Rep. Maier would like to know if she should do separate legislation for the MBI so it is not tied to funding from the cigarette tax. This was discussed at the Policy and Law Committee meeting and now it is being brought out today to the full SCPD. Brian feels that the expansion to add MBI would be a lower priority than funding the existing services. Separate legislation would allow us to really focus on this prospect with committee hearings, etc.

Carolanne said that the states of Montana, Vermont and New Hampshire have MBI and it shows how it is not that expensive and the cost goes down over the years. When individuals who are currently not working (e.g. individuals on SSI), have an opportunity to go to work and purchase health insurance, they increase their work hours and get off other benefits.

A motion was made, seconded and approved to accept the overture from Rep. Maier and indicate that we would like her to favorably consider introduction of legislation that would authorize establishment of a MBI program in Delaware. Chris Long abstained.

### **Committee Reports**

Policy and Law (P&L) –HB 112 was included in today’s materials. This Bill adds three members to the Council on Services for Aging and Adults with Physical Disabilities from the Delaware Aging Network. Jamie had some concerns that it would skew the membership in favor of the elderly. Jamie said that when the Division was established, there was a real effort to keep equity between the aging and people with physical disabilities. Although there are still a lot of similar concerns, there are differences between the two populations. Jamie e-mailed Rep. Wagner her concerns; and is waiting for her response. Regina feels that the needs and concerns are the same; and that is how they operate. The chairperson alternates between an aging person and an adult with physical disabilities. In the by-laws, it is stated that there shall be two permanent subcommittees of the Council—Regina says this has not been established.

Regina said that she will call Rep. Wagner tomorrow to ask more about this bill. Brian suggested that the Council vote that if there is not a good reason for this, that we are authorizing a letter opposing this bill. Or, we would approve your adding three adult members of the disability community to have balance. Brian said that there is a technical correction in Sections 3 and 4--they are not amending 7915(c)--it should be 7915(d). Brian made a motion and it was seconded and approved that we solicit more information from the Council on Services for Aging and Adults with Physical Disabilities, particularly in attendance and the rationale of this bill, and also get input from Rep. Wagner through Jamie's solicitation; and if the rationale is not a strong one, that the SCPD write a letter opposing this bill: (1) that it would eliminate the balance that exists now, and (2) because there are technical problems with this bill. Due to time, this may also be referred to the Policy and Law Committee again if needed.

Brain Injury Committee (BIC)—Kyle noted that the April 17 conference tomorrow is co-sponsored by DOE, GACEC, SCPD and AI DuPont. The attendance is limited to 100 persons and we are right around 100 persons which is good for a first conference.

Executive Committee – The Committee met last week to and reviewed SCPDs mandate in the Delaware Code. The Committee drafted amendments consistent with current practice and the new Department in which Council is housed. This will need full Council approval; however, due to time we won't go over it today for formal approval. This will be on another agenda

Housing Committee – Information on the The New Castle County Accessory Dwelling Unit (ADUs) was provided in the materials. It passed on a 7-6 vote. Brian said that these units can be an attached addition to your house or a stand alone unit if the property is more than 2 acres. The owner has to live in the main dwelling of the accessory dwelling unit because they do not want them to be rental properties. It is another housing option for an elderly relative or an adult child with a disability and this qualifies as a separate household or unit for public benefits. When the bill was in trouble, they contacted the GACEC, DDC, SCPD and some other Council, and we suggested some alternatives, two of which were incorporated into a substitute bill. One was to put a cap on the number of ADUs that can be approved and the second was a requirement that a deed restriction. The ordinance supports the goals and objectives of the Housing Committee and Commission. Daniese testified at the hearings on behalf of the SCPD. Sandy said that Easter Seals had written a letter to Paul Clark and Council members that voted for this initiative. A motion was made, seconded and approved by Brian to write a thank you letter to the Council members that voted for this initiative.

### Other Business

## **ANNOUNCEMENTS**

- Kyle announced that the Partners and Justice Conference will be held on April 23 at the Duncan Conference Center in Dover. Regina and Daniese will be attending. Rita M. said that the conference is to try and look at the State of DE

and who is helping those that have been victims of crime. Good speakers from the State of Washington are coming who have developed a good network on how to support and get justice for victims with disabilities.

- Hand-outs were passed out from Carolanne on Benefits, Management and Counseling training for three days—May 2, 3 and 4. Vacancies exist—the first two days will be at the Dover Fire School and the third day at Del Tech.
- Jamie announced that Commission hearings will be held as follows: May 8 at New Castle Del. Tech, May 15 at Dover Del Tech and May 24 at Sussex Co. Del Tech from 5:45 to 8:00 pm. Public comments can be presented in writing or verbally; and if anyone needs help with their comments, please contact Jamie.
- Rita M. announced that on May 11 NAMI-DE is having a brunch and learn at the DuPont Country Club from 11—1:30. The topic is Early Intervention and Prevention in terms of getting treatment for people with mental illness to reduce the changes of them being hospitalized or incarcerated. Pete Earley a former Washington Post Journalist, will be the speaker. Mr. Early had a son who developed mental illness later in life. Rita will send the information to Kyle to forward via e-mail. It is limited to 50 people.

## **ADJOURNMENT**

The meeting was adjourned at 4:00 PM.

Respectfully submitted,

Kyle Hodges  
SCPD Administrator

SCPD/minapr07